

U.S. Department of Justice
United States Marshals Service

PROCESS RECEIPT AND RETURN

See Instructions for "Service of Process by the U.S. Marshal"
on the reverse of this form.

PLAINTIFF

Daniel David Courson

FILED

COURT CASE NUMBER

08CV0871-JAH(LSP)

DEFENDANT

San Diego Sheriff's Deputy Coc

2008 SEP -9 AM 8:18

TYPE OF PROCESS

Summons in Civil Action

SERVE

NAME OF INDIVIDUAL, COMPANY, CORPORATION, ETC., TO SERVE OR DESCRIPTION OF PROPERTY TO SEIZE OR CONDEMN
San Diego Sheriff's Deputy CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

ADDRESS (Street or RFD, Apartment No., City, State and ZIP Code)

AT

George Bailey Detention Facility, 440 Alta Rd., San Diego, CA 92158

SEND NOTICE OF SERVICE COPY TO REQUESTER AT NAME AND ADDRESS BELOW:

Daniel David Courson F69760
R.J. Donovan Corr. Facility
P.O. Box 799001
San Diego, CA 92179-9001Number of process to be
served with this Form - 285

1

Number of parties to be
served in this case

2

Check for service
on U.S.A.SPECIAL INSTRUCTIONS OR OTHER INFORMATION THAT WILL ASSIST IN EXPEDITING SERVICE (Include Business and Alternate Addresses, All
Telephone Numbers, and Estimated Times Available For Service):

Fold

GBDF Telephone number: 619-661-2620

RECEIVED
U.S. MARSHAL
SOUTHERN DISTRICT
OF CALIFORNIA
AUG -7 P 2:33

Signature of Attorney or other Originator requesting service on behalf of:

☒ PLAINTIFF
☐ DEFENDANT

TELEPHONE NUMBER

DATE

7/28/08

SPACE BELOW FOR USE OF U.S. MARSHAL ONLY — DO NOT WRITE BELOW THIS LINE

I acknowledge receipt for the total
number of process indicated.
(Sign only first USM 285 if more
than one USM 285 is submitted)

Total Process

1

District
of Origin

No.

98

District
to Serve

No.

98

Signature of Authorized USM Deputy or Clerk

A Scott

Date

8/7/08

I hereby certify and return that I ☐ have personally served, ☐ have legal evidence of service, ☐ have executed as shown in "Remarks", the process described
on the individual, company, corporation, etc., at the address shown above or on the individual, company, corporation, etc., shown at the address inserted below.☐ I hereby certify and return that I am unable to locate the individual, company, corporation, etc., named above (See remarks below)

Name and title of individual served (if not shown above)

☐ A person of suitable age and dis-
cretion then residing in the defendant's
usual place of abode.

Address (complete only if different than shown above)

Date of Service

Time

am

pm

Signature of U.S. Marshal or Deputy

Service Fee

Total Mileage Charges
(including endeavors)

Forwarding Fee

Total Charges

Advance Deposits

Amount owed to U.S. Marshal or

Amount of Refund

REMARKS:

08/07/08 mailed SEC

09/08/08 Recd waiver of service of summons.
Copy to court and plaintiffPRIOR EDITIONS
MAY BE USED

1. CLERK OF THE COURT

FORM USM-285 (Rev. 12/15/80)

Waiver of Service of Summons

To: United States Marshal

RECEIVED

I acknowledged receipt of your request that I waive service of summons in the action of Daniel Courson which is case number 08CV871 in the United States District Court of the Southern District of California. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgement may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after August 7, 2008, or within 90 days after that date if the request was sent outside the United States.

Date 9/4/08


Signature

Printed/typed name STEPHANIE E. KISH
(as SR. DEPT. COUNTY COUNSEL)
(of COUNTY OF SAN DIEGO)

Attorneys for DAVID COCHRAN

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of a summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgement may be taken against the defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.